

	<b>Decision of Cabinet Member for Health and Adult Social Care</b>
	<b>Report from the Corporate Director, Health and Adult Social Care</b>
<b>Authority To Tender for a Care and Support Contract at Honeypot Lane – Extra Care Scheme</b>	

<b>Wards Affected:</b>	Queensbury
<b>Key or Non-Key Decision:</b>	Key decision
<b>No. of Appendices:</b>	None
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	Name: Karen Wren Job Title: Market Oversight Manager - Interim, CCM Supported Living Team Email: karen.wren@brent.gov.uk

## 1.0 Purpose of the Report

1.1 This report concerns the care and support contract for the Extra Care scheme at Honeypot Lane. This report requests individual Cabinet Member approval to tender for a new care and support contract at Honeypot Lane in accordance with paragraph 13 of Part 3 of the Constitution.

## 2.0 Recommendation(s)

That the Cabinet Member for Health and Adult Social Care, having consulted with the Leader in accordance with paragraph 13 of Part 3 of the Constitution:

2.1 Approves inviting tenders for a new care and support contract at Honeypot Lane on the basis of the pre - tender considerations set out in paragraph 3.12 of the report.

2.2 Approves Officers evaluating the tenders referred to in 2.1 above on the basis of the evaluation criteria set out in section (vi) of the table at paragraph 3.12 of the report.

## 3.0 Background/Detail

- 3.1 Honey Pot Lane is the first purpose built Extra Care scheme developed by Brent Council. The expected handover date to the council is 10 March 2023. Brent Housing Management will have the housing management function whilst Adult Social Care will manage the care and support contract at the scheme.
- 3.2 Of the 61 available units, 5 will be used as step down units to support residents after a stay on a hospital ward that are medically well but unable to return home and would benefit from a step down service within the community. They will access rehabilitation and re-ablement in support to help them safely return home, as an alternative to another temporary setting such as a care home. The care and support provider will work with care management and OT teams to support recovery and rehabilitation so residents feel able to do as much as they can for themselves prior to returning home.
- 3.3 The care contract will ensure the successful provider is able to meet the needs of a mixed group of needs of residents as would be found within the community with a range of age groups from 50yrs + and a range of needs including adults with physical needs, sensory, mental health (including Dementia) and learning disabilities as well as those with complex needs and behaviours that challenge. In opening the eligibility to those from 50yrs + the service is best able to meet the wider demand for extra care within the community.
- 3.4 This contract will be based on a core and flexi model with only the core element being commissioned through this procurement. The core service is designed to meet unplanned and emergency care needs and night support. The flexi hours will be based on service user's assessed needs and support hours will fluctuate as individuals' needs change. Residents will be able to choose another care provider to deliver their assessed hours, but the successful provider will deliver the core hours in the service.
- 3.5 The service design includes capacity for changing needs with level access, wheelchair accessible space within flats and capacity for built in ceiling track hoists in a percentage of flats within the scheme.
- 3.6 The core service will require 10.25 daytime support staff and 3 night staff to provide support for 24 hours a day, 7 days per week to support 61 service users when the service is at full capacity. Core hours are based on 7 hours, per week, per person with assessed hours and additional needs to be provided on an assessed basis. Additional care and support hours are expected to be required during the early morning and the late evening, to ensure timely responses to the needs of service users.

- 3.7 Core care and support hours will be available throughout the day and night to meet the planned and unplanned needs of service users e.g. fluctuating/unpredictable care needs e.g. responding to emergency alarm calls, requests for assistance with toileting etc, thereby ensuring a safe and response service delivery.
- 3.8 The service at Honeypot Lane was designed to meet the varying needs of service users, to promote health and wellbeing and to enable borough residents to live independently in their home and reduce the potential of moving to residential care. The scheme generates efficiency savings to ASC through the provision of care and support in place of residential placements, where the council is responsible for care and accommodation costs. In an extra care service, although the council will fund care, Housing Benefit will be used to pay accommodation costs. Honeypot Lane will be available for people who self-fund and are able to afford their rent and care costs.
- 3.9 The scheme supports the increasing demand for services within a limited residential care and housing market. Through the increase in eligibility to a wider group of residents and reduction in age criteria to 50yrs+, residents will have better access to services, remain in their own homes and continue to be part of the community.
- 3.10 Because this is a new scheme and there is no care provider in place, the successful provider will need to recruit a workforce to manage and operate the service. All staff will be paid a minimum of the London Living Wage (£11.95 per hour from 1<sup>st</sup> April 2023), as this is a London Living Wage contract. Even if the successful provider is not a Brent based company, it is highly likely that a local workforce will be recruited to work at Honeypot Lane. The market-warming event that took place in September 2022 suggests there is a lot of interest and demand for this contract.
- 3.11 Officers in Adult Social Care are already working on a long list of potential clients to move to Honeypot Lane. All have social care needs and a housing need, helping us to achieve two important aims – providing high quality care and support, combined with good quality housing and maximising Brent’s housing stock. Until the care provider is appointed, the service users that move in will not have complex needs. However, this “soft start” will enable the scheme to mobilise, whilst helping to create a more balanced community once more clients with more complex needs can move to Honeypot Lane later in the year.
- 3.12 Officers propose to let this contract as a 3-year contract with the option to extend for a further two, one-year periods (3+1+1). The length of this contract

will be attractive to the market, whilst maintaining a degree of flexibility for the council.

3.13 Market Engagement was undertaken for the Honeypot Lane Scheme on 23 September 2022. The provider market expressed considerable interest in the scheme.

3.14 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations for the procurement of the contract for care and support contract at Honeypot Lane (the "Contract") have been set out below for the approval of the Cabinet Member for Health and Adult Social Care.

<b>Ref.</b>	<b>Requirement</b>	<b>Response</b>	
(i)	The nature of the service.	Delivery of care and support services at Honeypot Lane - Extra care scheme. This support is for older adults who may also have a learning disability or mental health support needs.	
(ii)	The estimated value.	£880,838 p.a. over the proposed contract length of five years (3+1+1) - this is a total value of £4,404,188 (Core hours, including nights).	
(iii)	The contract term.	Three years with the option to extend for a further two, one year extensions (3+1+1)	
(iv)	The tender procedure to be adopted.	Open	
v)	The procurement timetable.	<b>Indicative dates are:</b>	
		Market engagement	23.09.2022
		Expected handover of Honeypot Lane by developers	11.04.2023
		Invite to tender	27.03.2023
		Deadline for tender submissions	28.04.2023
		Panel evaluation	02.05.23 - 09.06.23
		Contract decision	26.06.2023

Ref.	Requirement	Response	
		Cabinet Member approval	28.06.2023
		Notification of award. Minimum 10 calendar day standstill period – notification issued to all tenderers. Additional debriefing for unsuccessful tenders.	29.06.23 – 09.07.23
		Contract Mobilisation	10.07.23 – 03.09.23
		Contract start date	04.09.2023
(vi)	The evaluation criteria and process.	<p>1. At initial stage based on evaluation criteria published and the use of a supplier questionnaire the panel will identify organisations meeting the Council's financial standing requirements, technical capacity and technical expertise. The questionnaire and criteria are to be drawn up in accordance with the Council's Contract Procurement and Management Guidelines.</p> <p>2. At tender evaluation stage, the panel will evaluate the tenders against the following criteria: 50% quality, 10% Social Value and 40% price. The panel will evaluate the tenders against the following indicative quality criteria :</p> <ul style="list-style-type: none"> <li>• Safeguarding.</li> <li>• Support and Care planning including risk management.</li> <li>• Working effectively with service users to achieve outcomes.</li> <li>• Workforce proposals including staffing developments, satisfaction of workforce, staffing retentions.</li> <li>• Mobilisation.</li> </ul>	
(vii)	Any business risks associated with	Financial Services and Legal Services have been consulted concerning this contract.	

<b>Ref.</b>	<b>Requirement</b>	<b>Response</b>
	entering the contract.	There are no business risks arising.
(viii)	The Council's Best Value duties.	The adoption of an open tendering process under Light Touch Regime will enable the council to achieve best value for money.
(ix)	Consideration of Public Services (Social Value) Act 2012	See Section 9 below
(x)	The relevant financial, legal and other considerations.	See sections 4 and 5 above.
(xi)	Sustainability	<p>The Council will seek proposals from providers that support the Brent programme for carbon neutrality by 2030, including planning and provision with sustainability in mind with such as:</p> <ul style="list-style-type: none"> <li>• Consumption, resources and waste – recycling.</li> <li>• Transport – use of public transport and electric vehicles.</li> <li>• Homes, Buildings and the Built Environment – making best use of available services.</li> <li>• Nature and Green Space</li> <li>• Supporting Communities – Think Local, Act Personal (TLAP). How providers will engage with the Voluntary Sector, recruit within the local community and support service user residents to engage within their own community.</li> </ul>
(xii)	Key Performance Indicators / Outcomes	Appropriate Key Performance Indicators/ Outcomes will be included in the contract.
(xiii)	London Living Wage	The Contract will require the payment of the London Living Wage.
(xiv)	Contract Management	A contract manager will be appointed and appropriate contract management provisions will be included in the contract.

3.15 The individual Cabinet Member is asked to give its approval following consultation with the Leader to these proposals as set out in the recommendations and in accordance with the constitution.

#### **4.0 Financial Implications**

4.1 The estimated total value of the services to be provided under the contract over the contract term of 5 years (3+1+1) is £4,404,188 at today's prices, based on an estimated annual cost of £880,838. This is based on the assumption each service user will have an average of 7 hours, assessed need and support per week.

4.2 The estimated value of this contract will be funded from existing ASC budgets. Cost modelling has taken place, and it is expected that the change of provision of the service will be contained within the existing EHC budget.

4.3 The cost modelling was based on this contract being London Living Wage compliant at £11.95 per hour. To deliver the agreed amount of hours under the block element of this contract will mean approx. 20.25 FTE support workers will benefit from being paid at least the current minimum LLW of £11.95.

4.4 The annual cost of this contract is likely to increase each year when the London Living Wage commission announce the annual uplift. This growth provision will be considered as part of the Council's Medium Term Financial Planning.

#### **5.0 Legal Implications**

5.1 The estimated value of the proposed Contract is above the threshold for Services under the Public Procurement Regulations 2015 (the "PCR 2015") and the procurement is therefore governed by the PCR 2015.

5.2 In accordance with the Council's Contract Standing Orders, the contract is defined as a High Value Contract and as such, the contract shall be entered into and procured in accordance with formal tendering procedures set out in the Standing Orders. (Standing Order 84)

5.3 Individual Cabinet Member approval is sought to tender for the service at Honey Pot Lane in accordance with paragraph 13 of Part 3 of the Constitution.

5.4 Once the tendering process is undertaken, officers will report to the Cabinet Member in accordance with Contract Standing Orders, explaining the process undertaken in tendering the contracts and recommending award.

5.5 As this procurement is subject to the full application of the PCR 2015, the Council must observe the requirements of the mandatory minimum 10-calendar standstill period imposed by the PCR 2015 before the contract can

be awarded. The requirements include notifying all tenderers in writing of the Council's decision to award and providing additional debrief information to unsuccessful tenderers on receipt of a written request. The standstill period provides unsuccessful tenderers with an opportunity to challenge the Council's award decision if such challenge is justifiable. However if no challenge or successful challenge is brought during the period, at the end of the standstill period the Council can issue a letter of acceptance to the successful tenderer and the contract may commence.

- 5.6 Officers have set out in section 8.1 that the proposed services will be provided by external contractors. There are no implications for the Council staff arising from this procurement under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE). In limited circumstances there may be TUPE implications where service users took on the role of employer with Personal Assistants and later choose to move their support to the Service Provider. In the event that there is deemed to be a transfer of staff under the TUPE regulations the Council is unlikely to be affected as it will neither be the transferor or transferee under the TUPE regulations.
- 5.7 As the decision that is being sought here is a Key Decision, the decision is subject to a five clear day call-in period. This period will run concurrently with the standstill period referred to in paragraph 5.5. The decision to tender may not be implemented until after expiry of the call-in period but thereafter can be implemented provided that no call in has been made and subject to no challenge to the procurement process being brought under the standstill period.

## **6.0 Equality Implications**

- 6.1 The Council must, in the exercise of its functions, have due regard to the need to:
- (a) Eliminate discrimination, harassment and victimisation
  - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it, pursuant to s149 Equality Act 2010. This is known as the Public Sector Equality Duty.
- 6.2 Under the Public Sector Equality Duty, having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.



6.3 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

6.4 The proposals in this report have been subject to screening and officers believe that there are no adverse equality implications.

## **7.0 Consultation with Ward Members and Stakeholders**

7.1 The lead member for ASC has been consulted and consultation with providers and service users has commenced and is ongoing.

## **8.0 Human Resources/Property Implications**

8.1 The Honeypot Lane scheme is a new service and services will be provided by an external provider and as such there are no direct staffing implications for the Council arising from the tender process. The council will own and manage the building and scheme through the Brent Housing Management service.

8.2 There may be limited circumstances where service users who have employed a Personal Assistant elect to move to the core provider for support. In these circumstances the process will be managed between the Service Provider and Service User.

## **9.0 Public Services (Social Value) Act 2012**

9.1 The Council is under duty pursuant to the Public Services (Social Value) Act 2012 (“the Social Value Act”) to consider how services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the Council might act with a view to securing that improvement; and whether the Council should undertake consultation. Officers have had regard to considerations contained in the Social Value Act in relation to the procurement.

9.2 It is the intention within this tender that 10% of the total evaluation criteria will be reserved for social value considerations.

9.3 The Honeypot Lane service within the Queensbury Ward, having good community ties with the Kingsbury Ward was considered as an appropriate site to build an extra care service that was sustainable and supported mixed neighbourhood. To ensure a real sense of place and belonging, the housing and provision aims to keep the community together supporting the existing demographic within the wards. Residents will have access to shared transport links, shared Interests, community groups and worship facilities and the sense of community will be reinforced from this. Providers will be expected to focus on the social value themes and outcomes and these will be measure throughout the term of the contract. Themes will predominantly

focus on the immediate community, while linking local areas together to maximise the benefits to residents.

9.4 The social value themes will focus on the immediate and wider community linking local areas together to maximise the benefits to residents. The themes will seek to:

- Promote growth and development opportunities for all within the ensuring access to opportunities to develop new skills and gain meaningful employment.
- To support and encourage local business creating supply chain links, growth, sustainability, reducing the environmental impact within supply chains (goods and services available locally reducing travel and risk of pollution.
- Building strong, ongoing relationships with the voluntary and social enterprise sectors to continuing to engage and empower citizens, creating a safe, healthier, resilient community for the present and future.
- To ensure the places where residents live within the borough utilise sustainable procurement supporting a cleaner and greener, and secure the long-term future for the community and our planet.
- For providers to be innovative, as the Council promotes best practice, suppliers should find and deliver innovative solutions and generate new ideas.

**Report sign off:**

**PHIL PORTER**

Corporate Director, Adult Social Care and Health